


भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 11] नई दिल्ली, बृहस्पतिवार, मार्च 30, 1972/चैत्र 10, 1894
No. 11] NEW DELHI, THURSDAY, MARCH 30, 1972/CHAITRA 10, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill were introduced in Lok Sabha on the 30th March, 1972:—

BILL NO. I OF 1972

A Bill to provide for the registration of practising architects and for matters connected therewith.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Practising Architects Act, 1972. Short title, extent and commencement.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) "All India Association of Consulting Engineers and Architects" means the All India Association of Consulting Engineers and Architects registered under the Societies Registration Act, 1860;
 - (b) "Council" means the practising Architects' Registration Council constituted under section 3;

(c) "practising architect" means a person versed in the art of building and the various styles of architecture, and who plans or designs buildings and superintends their construction, and/or whose name is for the time being entered in the register;

(d) "recognised qualification" means any qualification in civil engineering or architecture for the time being included in the Schedule;

(e) "register" means the register of practising architects maintained under section 23;

(f) "regulation" means a regulation made under this Act by the Council;

(g) "rule" means a rule made under this Act by the Central Government in consultation with the Council.

CHAPTER II

PRACTISING ARCHITECTS' REGISTRATION COUNCIL

Consti-
tution of
Council.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute, with effect from such date as may be specified in the notification, a Council to be known as the Practising Architects' Registration Council, which shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and may by that name sue or be sued.

(2) The Head Office of the Council shall be at Delhi or at such other place as the Central Government in consultation with the Council may, by notification in the Official Gazette, specify.

(3) The Council shall consist of the following members, namely:—

(a) five members to be elected by the All India Association of Consulting Engineers & Architects, Regd., New Delhi from amongst their members;

(d) five members to be elected by the Indian Institute of Architects (India) from amongst their registered practising architects;

(c) a registered practising architect from each State nominated by the Government of that State;

(d) five members to be elected by the Indian Institute of Architects from amongst their registered practising architects;

(e) one person nominated by the Central Government.

(4) Notwithstanding anything contained in clause (a) of sub-section (3), the Central Government may, pending the preparation of the register, nominate to the first Council, in consultation with the All India Association of Consulting Engineers and Architects, persons referred to in the said clause (a) out of the persons who are eligible for registration as practising architects, and such persons shall hold office for such period as the Central Government may, by notification in the official Gazette, specify.

4. (1) The President and the Vice-President of the Council shall be elected by the members, registered as practising architects, from amongst themselves:

Provided that on the first constitution of the Council and until the President is elected, a member of the Council nominated by the Central Government shall discharge the functions of the President.

(2) An elected President or Vice-President of the Council shall hold office for a term of one year, but he shall be eligible for re-election, and shall, notwithstanding the expiry of his term of one year, continue to hold office until his successor enters upon his office.

(3) The President and Vice-President of the Council shall exercise such powers and discharge such duties as may be prescribed by regulations.

5. (1) Elections under this Chapter shall be conducted in such manner as may be prescribed by the Council.

(2) Where any dispute arises regarding any election, the matter shall be referred by the Council to a Tribunal appointed by the Central Government in this behalf, and the decision of the Tribunal shall be final.

Provided that no such reference shall be made except on an application made to the Council by an aggrieved party within thirty days from the date of the declaration of the result of the election.

(3) The expenses of the Tribunal shall be borne by the Council.

6. (1) Subject to the provisions of this section, an elected or nominated member shall hold office for a term of one year from the date of his election or nomination or until his successor has been duly elected or nominated, whichever is later.

(2) A casual vacancy in the Council shall be filled by fresh election or nomination, as the case may be, and the person so elected or nominated shall hold office only for the remainder of the term.

(3) Members of the Council shall be eligible for re-election or re-nomination.

7. No Act or proceedings of the Council shall be invalid merely by reason of

(a) any vacancy in, or defect in the constitution of, the Council,

or

(b) any defect in the election or nomination of a person acting as a member thereof, or

(c) any irregularity in procedure not effecting the merits of the case.

8. A person shall not be eligible for election or nomination as a member of the council, if he—

(a) is an undischarged insolvent; or

(b) has been convicted by a Court in India for any offence and sentenced to imprisonment for not less than two years, and shall continue to be ineligible for a further period of one year since his release; or

(c) is defaulter of paying the dues.

President and Vice-President of Council.

Mode of elections.

Term of office and casual vacancies.

Vacancies in Council not to invalidate action taken.

Disabilities.

Meet-
ings of
Coun-
cil.

9. (1) The Council shall meet at least once in every six months at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

(2) Unless otherwise prescribed by regulations, nine members of the council shall form a quorum, and all the acts of the Council shall be decided by a majority of the members present and voting.

(3) In case of an equal division of votes, the President or, in his absence, the Vice-President or, in the absence of both, the member presiding over the meeting, shall have a second or casting vote.

Execu-
tive
Com-
mittee
and
other
Com-
mittees.

10. (1) The Council shall constitute from amongst its members an Executive Committee, and may also constitute other Committees for such general or special purposes as the Council deems necessary to carry out its functions under this Act.

(2) The Executive Committee shall consist of the President and the Vice-President of the Council who shall be members ex-officio and five other members, who shall be elected by the Council.

(3) The President and the Vice-President of the Council shall be the Chairman and Vice-Chairman respectively of the Executive Committee.

(4) A member of the Executive Committee shall hold office for a year from the date of his election, but he shall be eligible for re-election.

(5) In addition to the powers and duties conferred and imposed on it by this Act, the Executive Committee shall exercise such powers and discharge such duties as may be prescribed by regulations.

Fees
and
allow-
ances
of
the
Mem-
bers of
Coun-
cil.

11. The President, the Vice-President and other members of the Council shall be entitled to such fee and allowances as the Council may fix.

Offi-
cers
and
emp-
loyees
of
Coun-
cil
and
their
Remu-
nera-
tion.

12. (1) The Council shall—

(a) appoint a Registrar who shall act as Secretary and who may also act, if so decided by the Council as its treasurer;

(b) appoint such other officers and employees as the Council deems necessary to enable it to carry out its functions under this Act;

(c) fix the pay and allowances and other conditions of service of officers and employees of the Council.

(2) Notwithstanding anything contained in clause (a) of sub-section (1), for the first one year from the first constitution of the Council, the Registrar of the Council shall be a person appointed by the Central Government, who shall hold office only for one year, but shall vacate the office even before a year, provided the council may decide to do so.

(3) All the persons appointed under this section shall be the employees of the Council.

(1) There shall be established a Fund under the management and control of the Council, account of which shall be opened in any one of the Scheduled Banks to be operated upon for the first year by the Registrar and one of the members of the Tribunal and later on by the President and the Registrar, and all the moneys received by the Council and/or Tribunal shall be deposited in the Bank and out of the Fund shall be met all expenses and liabilities properly incurred by the Council.

Fin-
ances
of
Coun-
cil.

(2) The Council may invest any money for the time being standing to the credit of the Fund in any Government security or in any other security decided by the Council.

(3) The Council shall keep proper accounts of the Fund.

(4) The annual accounts of the Council shall be subject to audit by an auditor appointed annually by the Council.

(5) The Fund shall consist of—

(a) all money received from the Central and State Governments by way of grant, gift or deposit;

(b) any sums received under the Act whether by way of fees or otherwise.

14. (1) The qualifications included in Part I of the Schedule shall be recognised qualifications for the purposes of this Act.

Recog-
nition
of
quali-
fica-
tions
grant-
ed by
autho-
rities
in
India.

(2) Any authority in India which grants civil engineering and/or architectural qualification not included in Part I of the Schedule may apply to the Council to have such qualification recognised so as to have such qualification included in the Schedule, and such inclusion shall be notified in the official Gazette.

15. (1) The civil engineering and/or architectural qualifications granted by authorities outside India which are included in Part II of the Schedule shall be recognised qualifications for the purposes of this Act.

Recog-
nition
of
foreign
quali-
fica-
tions.

(2) The Council may include in Part II of the Schedule such foreign qualifications which may be recommended by the Central or State Governments.

16. Notwithstanding anything contained in sub-section (2) of section 14 or sub-section (2) of section 15, the Central Government after consultation with and on the recommendation of the Council may, by notification in the Official Gazette, amend any Part of the Schedule.

Powers
of
Central
Gov-
ern-
ment to
amend
the
Sche-
dule.

17. Notwithstanding anything contained in any other law, but subject to the provisions of this Act, any recognised qualification shall be a sufficient qualification for enrolment in the register.

Effect of
recogni-
tion.

Power to require information as to courses of study and Examinations.

18. Every authority in India which grants a recognised qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and examination.

Inspection of examinations.

19. The Executive Committee shall, subject to the regulations, if any, made by the Council, appoint such number of inspectors as it may deem requisite to inspect the civil engineering and architectural institutions, colleges and schools where civil engineering and architectural education is given or to attend any examination held by the institutions for the purpose of recommending to the Council to include in the Schedule qualifications granted by any such institution.

Withdrawal of recognition.

20. The Council shall have powers to withdraw the recognition of such institution, college and school, which is found defunct or closed.

Minimum standard of civil Engineering and architectural education.

21. The Council may prescribe the minimum standards of civil engineering and architectural education required for granting recognised qualifications by institutions, colleges and schools in India.

Professional conduct.

22. (1) The Council may by regulations prescribe standards of professional conduct and etiquette and a code of ethics for practising architects.

(2) Regulations made by the Council under sub-section (1) may specify which violations thereof shall constitute in famous conduct in any professional respect, that is to say, professional misconduct, and such provision shall have effect notwithstanding anything contained in any law for the time being in force.

CHAPTER III

REGISTRATION OF PRACTISING ARCHITECTS

Preparation and Maintenance of register.

23. (1) The Central Government shall, as soon as may be, cause to be prepared in the manner hereinafter provided a register of practising architects for India.

(2) The Council shall upon its constitution assume the duty of maintaining the register in accordance with the provisions of this Act.

(3) The register shall include the following particulars, namely:—

- (a) the full name with date of birth, nationality and residential address of the practising architect;
- (b) his qualifications and/or practical experience for registration as practising architect;
- (c) the date of his first admission to the register;

(d) his professional address; and

(e) such further particulars as may be prescribed by the Council.

24. (1) For the purposes of preparing the register of practising architects for the first time, the Central Government shall, by notification in the Official Gazette, constitute a Registration Tribunal consisting of three persons nominated by the All India Association of Consulting Engineers & Architects who have, in the opinion of the Central Government, the knowledge of, or practical experience in, civil engineering and architecture and the Register appointed under Section 12 shall act as Secretary of the Tribunal.

First
prepa-
ration
of
regis-
ter.

(2) The Central Government shall, by the same or a like notification, appoint a date on or before which application for registration, which shall be accompanied by Rs. 5/- as admission fee and Rs. 25/- as annual fee, shall be made to the Registration Tribunal.

(3) The Registration Tribunal shall examine every application and, if it is satisfied that the applicant is qualified for registration under section 25, shall direct the entry of the name of the applicant in the register.

(4) The first register so prepared shall thereafter be published in such manner as the Central Government may direct and any person aggrieved by the decision of the Tribunal expressed or implied in the register so published may, within thirty days from the date of such publication, appeal against such decision to an authority appointed by the Central Government in this behalf by notification in the Official Gazette.

(5) Every person whose name is entered in the register shall be issued a certificate of registration in the form as may be prescribed by rules.

25. A person shall be entitled, on payment of Rs. 5/- as an admission fee and Rs. 25/- as annual fee, to have his name entered in the register, if he resides or carries on the profession of architecture in India and if he—

Qualif-
ication
for
entry
in
regis-
ter.

(a) holds a recognised qualification, or

(b) does not hold such qualifications as mentioned in Parts I and II of the Schedule to this Act, but being a citizen of India, has been engaged in architectural profession and/or holding licence of draftsman architect, survey and/or engineer in any local body, State or Central Government for a period of not less than five years prior to the date appointed under subsection (2) of section 24.

26. After the date appointed for the receipt of applications by the Tribunal for registration in the first register of practising architects, all applications for registration shall be addressed to the Registrar of the Council and shall be accompanied by admission and annual fees.

Proce-
dure
for
subse-
quent
regis-
tration.

27. (1) Where the renewal fee is not paid on or before the due date, the Registrar shall remove the name of the defaulter from register:

Renewal
fees.

Provided that a name so removed may be restored to the register on such conditions as may be prescribed by the Council.

(2) On payment of the renewal fee and all other dues, the Registrar shall, in the manner to be prescribed by the Council, endorse the certificate of registration accordingly.

Entry of additional qualification.

28. The practising architect shall, on payment of the fee as may be prescribed by the Council, be entitled to have entered in the register any further recognised qualification which he may obtain.

Removal from register.

29. The Council, may by order, remove from the register the name of any practising architect,—

- (a) from whom a request has been received; or
- (b) who has died since the last publication of the register; or
- (c) whose name has been entered in the register by error or on account of misrepresentation or suppression of a material fact; or
- (d) who is an undischarged insolvent; or
- (e) who has been adjudged by a competent court to be of unsound mind.

Procedure in inquiries relating to misconduct.

30. (1) When on receipt of complaint made to it, the council is of the opinion that any practising architect has been guilty of professional misconduct which, is provided, will render him unfit to practise as practising architect, the Council may hold an inquiry in such manner as may be prescribed by the council.

(2) After holding the inquiry and after hearing the practising architect, the Council may, by order, reprimand the said practising architect or suspend him from practising or remove his name from the register or pass such other order as it thinks fit.

Restoration to register.

31. The council may, at any time, for reasons appearing to it to be sufficient, order that upon payment of fees and dues, the name of the person removed from the register shall be restored thereto.

Issue of Duplicate Certificate.

32. Where it is shown to the satisfaction of the Registrar that a certificate of registration has been lost or destroyed, the Registrar may, on payment of such fee as may be prescribed by the council, issue a duplicate certificate.

Printing of register.

33. As soon as may be after the first day of April in each year, the Registrar shall cause to be printed copies of the register as it stood on the said date and such copies shall be made available to persons applying therefor, on payment of such fee as may be prescribed by the council, and shall be evidence that on the said date the persons whose names are entered therein were registered practising architects.

Effect of registration.

34. Any reference in any law for the time being in force to the practising architect shall be deemed to be a reference to the practising architect registered under this Act.

CHAPTER IV

MISCELLANEOUS

Penalty for falsely claiming to be registered.

35. If any person whose name is not for the time being entered in the register falsely represents that it is so entered, or uses in connection with his name or title any words, letters reasonably calculated to suggest that his name is so entered, he shall be punishable with fine which may extend to one thousand rupees.

36. After the expiry of one year from the date appointed under subsection (2) of section 24 no person other than registered practising architect shall use the title and style of PRACTISING ARCHITECT. Prohibition against use of title.
37. If any person whose name has been removed from the register fails without sufficient cause forthwith to surrender his certificate of registration, he shall be punishable with fine upto one hundred rupees. Failure to Surrender Certificate of Registration.
38. No court shall take cognizance of any offence punishable under this Act, except upon complaint made by order of the Council or a person authorised in this behalf by the Council. Cognizance of offence.
39. The Council shall furnish such reports, copies of its minutes, and other information to the Central Government when required. Information to be furnished by Council and Publication thereof.
40. No suit, prosecution or other legal proceedings shall lie against the council, or any employee of the Council for any thing which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or any rule or regulation made thereunder. Protection of action in good faith.
41. The members of the Council and officers and employees of the Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Members of Council and officers and Employees to be Public Servants.
42. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act, which shall be laid before the Houses of Parliament. Power to remove difficulties.
43. The Central Government may, by notification in the Official Gazette, make rules in consultation with the Council, to carry out the purposes of this Act. Power of central government to make rules.
44. The Council may, with the approval of the Central Government, make rules and regulations for the smooth working of the Council office bearers, Executive Committee and the standard of professional charges to be observed by the practising architects. Power of Council to make regulations.

THE SCHEDULE

(See sections 14 and 15)

PART I

QUALIFICATIONS

1. Bachelor Degree, Diploma, Certificate in Civil Engineering or Architecture awarded by the Indian Universities, Colleges, Schools and Institutions recognised by the Central or State Legislature.

2. Persons holding Degrees, Diplomas, Certificates in Civil Engineering or Architecture from the Institutions, Colleges or Schools, which were not recognised by any Government previously, but have been recognised by the Central or State Government later on.

3. Members recommended by the All India Association of Consulting Engineers and Architects, New Delhi, registered under Act XI—1860.

4. Members recommended by the Institution of Engineers (INDIA) first registered in 1920 under the Companies Act, 1913 and subsequently incorporated by a Royal Charter in 1933.

5. Members recommended by the Indian Institute of Architects.

Explanation: Persons mentioned in this Part shall not be registered as practising architects, as long as they are in the service of the Government, semi-Government bodies, local bodies or elsewhere; however their experience in Civil Engineering or Architecture, shall be counted, and they shall be registered as practising architects under section 25(b) after their retirement from the service.

PART II

FOREIGN QUALIFICATIONS

1. Persons holding Degrees, Diplomas or Certificates from the Foreign Institutions in Civil Engineering or Architecture shall be registered as practising architects, only on the recommendation of the Council.

STATEMENT OF OBJECTS AND REASONS

Our country being one of the developing countries, there is a tremendous amount of building activity in consequence of development of new residential and industrial colonies and implementation of the various plans. The present Bill aims at providing for the registration of practising architects and for the purposes connected thereto, to regulate the architectural profession in India and to protect the public from persons not competent to undertake the building activities.

The aim of this Bill is not to protect the title only, but also to protect the architectural profession and the public from being exploited by certain oxident none oriented persons.

The main feature of the Bill is to solve the problem of unemployment among the young Civil Engineers and Architects, coming out of the Civil Engineering Institutions, Polytechnic and Architectural Colleges and Schools at one hand and to solve the housing problem in India on the other.

The Bill shall protect the rights of those experienced-hand persons, irrespective of their qualifications, who are earning their livelihood from the profession of architecture by holding licences of Draftsman, Architects and/or Engineer for not less than five years.

The proposed Bill seeks to achieve the above objects.

NEW DELHI;

K. LAKKAPPA.

The 11th November, 1971.

FINANCIAL MEMORANDUM

The Bill provides for the constitution of a Council, Executive Committee, Committees and appointment of Registrar and other employees (clauses 3, 10 and 12). The President, Vice-President and the members of the Council shall only be drawing their travelling allowance and daily allowance; the estimate, therefore, will only cover these items of expenditure (clause 11). Provision is to be made for the meetings of the Council and the Executive Committee (clauses 9 and 10). For working of the office of the Registrar, staff will be provided. The following is the estimate of the annual expenditure required:—

A. COUNCIL MEETINGS :	
Five meetings a year, Rs. 4,000/- per meeting	Rs. 20,000/-
B. Rent, Telephone, postage and contingencies.	Rs. 30,000/-
C. SALARIES OF STAFF :	
1. Registrar-cum-Secretary	Rs. 12,000/-
2. One Head Clerk and One Accountant	Rs. 12,000/-
3. Four Clerks and two typists	Rs. 24,000/-
4. Miscellaneous and two peons	Rs. 9,000/-
D. Dearness and House rent allowance	Rs. 50,000/-
E. Travelling and unforeseen expenditure	Rs. 20,000/-
	Total : Rs. 1,77,000/-

Say rupees two lakhs per year.

INCOME :

(While in the first year only 10,000 practising architects are to be registered, the number is sure to increase upto 20,000 later on).

A. Admission fee at the rate of Rs. 5/-	
from 10,000 members	Rs. 50,000/-
B. Annual fee from 10,000 members @ Rs. 25/-	
each	Rs. 2,50,000/-

For the office furniture, type writers etc., an initial non-recurring expenditure of Rs. 50,000/- is expected to be incurred which shall be met with the admission fee of Rs. 50,000/- and after meeting the expenses of Rs. 2 lakhs per year, there shall be a surplus income of Rs. 50,000/- per year to the Council. A reserve fund for the construction of the building for office and research etc. can thus be created. To start with the Ministry of Education shall be requested to spare one room in the Ministry of Education.

To start with, however, it would be necessary to advance an initial loan to get the Council going. The amount in question would be the amount required to pay rent and salaries, etc. for a period of six months and for the initial non-recurring expenditure for setting up the office. The total amount required would be Rs. 60,000/- for a six months period and Rs. 50,000/- for the initial non-recurring expenditure. This amount would have to be made available as an initial loan which the Council will return after it has started functioning.

Sd./- K. LAKKAPPA

7-12-71.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Central Government to constitute a Council to be known as the PRACTISING ARCHITECTS REGISTRATION COUNCIL.

Clause 42 of the Bill empowers the Central Government to provide by orders published in the Official Gazette for removal of difficulties that may arise in giving effect to the provisions of this Act.

Clause 43 of the Bill empowers the Central Government to make rules to carry out the purposes of this Act, in consultation with the Council.

The Registration Council may, with the approval of the Central Government, make rules and regulations for smooth working of the Council, office bearers, Executive Committee and the standard of professional charges to be observed by the practising architects (clause 44).

The matters in respect of which rules and regulations can be made are generally matters of procedure and administrative detail and it is hardly practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL No. 7 OF 1972

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1972.

Amend-
ment of
article
74.

2. In article 74 of the Constitution, in clause (1), the following shall be added at the end, namely:—

“The President shall act in accordance with the advice of the Council of Ministers.”

Amend-
ment of
article
75.

3. In article 75 of the Constitution,—

(a) in clause (1), after the words “Ministers shall be appointed” the words “and shall be liable to be removed” shall be inserted; and

(b) clause (2) shall be omitted.

4. In article 111 of the Constitution,— Amend-
ment of
article
111.
- (a) for the words “and the President shall declare either that he assents to the Bill, or that he withholds his assent therefrom”, the words “and the President shall not withhold his assent therefrom” shall be substituted; and
- (b) the proviso shall be omitted.
5. In clause (2) of article 123 of the Constitution,— Amend-
ment of
article
123.
- (a) in sub-clause (a), for the words “from the reassembly of the Parliament”, the words “from the day the Ordinance is promulgated” shall be substituted; and
- (b) the Explanation shall be omitted.
6. In article 124 of the Constitution,— Amend-
ment of
article
124.
- (a) in clause (2), for the words “after consultations with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose”, the words “after getting the approval of the majority of members of each House of Parliament” shall be substituted; and
- (b) in clause (4), the words “and by a majority of not less than two-thirds of the members of that House present and voting” shall be omitted.
7. For article 155 of the Constitution, the following article shall be substituted, namely:— Substi-
tution of
article
155.
- “155. The Governor of a State shall be elected by an electoral college consisting of the elected members of the Legislative Assembly of the State by means of the single transferable vote and the voting at such election shall be by secret ballot.” Election
of
Governor.
8. In article 156 of the Constitution, for clause 1, the following clause shall be substituted, namely:— Amend-
ment of
article
156.
- “(1) The Governor shall hold office for a period of 5 years from the date on which he enters upon his office unless he is removed by a resolution passed by majority of the total membership of the Legislative Assembly of the State by secret ballot.”
9. In article 158 of the Constitution,— Amend-
ment of
article
158.
- (a) in clause (3), for the word “Parliament”, the words “the State Legislature” shall be substituted; and
- (b) clause (3A) shall be omitted.
10. In article 163 of the Constitution,— Amend-
ment of
article 163
- (a) in clause (1), for the words “except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion”, the words “and the Governor shall act in ac-

cordance with the advice of the Council of Ministers" shall be substituted;

(b) clause (2) shall be omitted; and

(c) clause (3) shall be omitted.

Amend-
ment of
article
164.

11. In article 164 of the Constitution,—

(a) in clause (1),—

(i) after the words "Ministers shall be appointed", the words "or removed" shall be inserted.

(ii) the words "and the Ministers shall hold office during the pleasure of the Governor" shall be omitted; and

(b) in clause (2), after the word "collectively" the words "and the ministers individually shall be" shall be inserted.

Substi-
tution of
article
200.

12. For article 200 of the Constitution the following article shall be substituted, namely:—

Assent
to
Bills.

"200. When a Bill has been passed by the Legislative Assembly of a State or, in case of a State having a Legislative Council, has been passed by both Houses of the Legislature of the State, it shall be presented to Governor and the Governor shall not withhold his assent therefrom."

Omission
of article
201.

13. Article 201 of the Constitution shall be omitted.

Amend-
ment of
article
213.

14. In article 213 of the Constitution,—

(a) the proviso to Clause (1) shall be omitted;

(b) in clause (2),—

(i) in part (a), for the words "from the reassembly of the Legislature" the words "from the date the Ordinance is promulgated" shall be substituted; and

(ii) the explanation shall be omitted.

Amend-
ment of
article
216.

15. In article 216 of the Constitution, for the word "President", the word "Governor" shall be substituted.

Amend-
ment of
article
217.

16. In article 217 of the Constitution, for clause (1) the following clause shall be substituted, namely:—

"(1) Every Judge of a High Court shall be appointed by the Governor of the State by warrant under his hand and seal with prior approval of the majority of the total membership of the Legislative Assembly of the State and shall hold office until he attains the age of 65 years:

Provided that—

(a) a Judge may, by writing under his hand, addressed to the Governor, resign his office;

(b) a Judge may be removed from his office by the Governor, after an Address by the Legislative Assembly of the State supported by a majority of the total membership thereof, has been presented to the Governor for such removal on the ground of proved misbehaviour or incapacity.

(c) the office of a Judge shall be vacated on his being appointed a Judge of the Supreme Court."

17. Article 222 of the Constitution shall be omitted.

Ommis-
of
article
222.

18. In article 223 of the Constitution, for the word "President", the words "Governor of the State" shall be substituted.

Amend-
ment of
article
223.

19. In article 224 of the Constitution,—

Amend-
ment of
article
224.

(a) in clause (1), for the word "President" wherever it occurs, the words "Governor of the State" shall be substituted.

(b) in clause (2) for the word "President", the words "Governor of the State" shall be substituted.

20. Article 224A of the Constitution shall be omitted.

Ommis-
sion of
article
224A.

STATEMENT OF OBJECTS AND REASONS

In the Constitution of India there is enough scope for misinterpretation of the respective powers of the President, Parliament, Governors and the State Legislatures. The office of the Governor is not an elected one. The position of the Governor *vis-a-vis* the Legislature and Council of Ministers requires to be defined clearly. The power of appointment of Judges of the Supreme Court and the High Courts rests with the executive and not with the Parliament and the State Legislatures. These are serious defects in the Constitution. It is necessary to remove these defects.

Hence this Bill.

A. K. GOPALAN

NEW DELHI;

The 22nd November, 1971.

BILL NO. 9 OF 1972

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1972. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In the Eighth Schedule to the Constitution,—Amendment of Eighth Schedule.
 - (a) entries 11 to 15 shall be re-numbered as entries 12 to 16 respectively, and
 - (b) before entry "12" as so re-numbered, the entry "11. Rajasthan" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Rajasthani is one of the important languages of India. It is spoken by crores of people in Rajasthan. It has rich literature. By including Rajasthani in the Eighth Schedule to the Constitution, it will only be doing belated justice to the large number of Rajasthani-speaking people in India and abroad.

Hence this Bill.

KARNI SINGH.

NEW DELHI;

The 24th February, 1972.

BILL NO. 11 OF 1972

A Bill to control the prices of all essential consumer articles

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

- | | |
|---|---|
| 1. (1) This Act may be called the Price Control Act, 1972. | Short
title
and
commen-
cement. |
| (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. | |
| 2. The prices of essential consumer articles shall not exceed 125 per cent. of the cost of production plus the transport charges. | Formula
for
fixing
the
price. |
| 3. (1) There shall be set up a Central Price Control Board. | Central
Price
Control
Board. |
| (2) The Board shall consist of representatives of producers, consumers, labourers, shopkeepers, farmers, Central and State Governments and such other persons as the Government may decide to nominate under rules made in this behalf. | |
| 4. (1) The Board shall fix the prices of all essential consumer articles in the manner laid down in section 2 and have them enforced. | Functions
of the
Board. |
| (2) The Board shall decide the articles which shall be termed as "essential consumer articles" for the purposes of this Act. | |
| 5. The Central Government shall, by notification in the Official Gazette frame rules for carrying out the purposes of this Act. | Power
to make
rules. |

STATEMENT OF OBJECTS AND REASONS

The common man, these days more than ever before, is finding it increasingly difficult to make both ends meet because of the soaring prices. All attempts at arresting the shooting prices have, for want of a definite price policy and an effective machinery to implement it, proved infructuous. The Bill seeks to provide that the prices of all essential commodities shall not exceed 125 per cent of the cost of production plus the transport charges. This will help the Government in holding the price line and also provide relief to the common man. This will also go a long way in linking salaries to prices.

Hence this Bill.

NEW DELHI;
The 24th February, 1972.

KARNI SINGH.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Central Price Control Board. The initial non-recurring cost of establishment etc. is estimated at two lakh rupees. The annual recurring expenditure on the staff and the members of the Board is not expected to exceed one lakh rupees.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to frame rules for the constitution of the Central Price Control Board and for implementation of its decisions. The proposals are of normal character.

BILL NO. 14 OF 1972

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1972. Short
title.
2. In article 19 of the Constitution, in clause (1), after sub-clause (g), Amend-
ment of
article
19.
the following new sub-clause shall be inserted, namely:—
“(h) to an adequate means of livelihood.”
3. In article 39 of the Constitution, clause (a) shall be omitted. Amend-
ment of
article
39.

STATEMENT OF OBJECTS AND REASONS

Article 39(a) forms part of the Directive Principles of the Constitution of India. In spite of lapse of 22 years, the Directive Principles have, by and large, remained dead letters. The Directive Principles are not justiciable and hence cannot be enforced by courts. The amending Bill seeks to incorporate article 39(a) as a fundamental right in article 19 of the Constitution. Once the right to means of livelihood becomes a fundamental right, the Central and the State Governments can be compelled to translate this right into practice by introducing suitable legislation. The citizen will then be in a position to enforce his fundamental right to "adequate means of livelihood".

Hence this Bill.

KARNI SINGH.

NEW DELHI;
The 25th February, 1972

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to make means of livelihood a fundamental right. It is not possible to furnish any financial statement as at this stage only a fundamental right is sought to be created. Financial implication will only arise when the State will bring any subsidiary legislation calculated to enforce the new fundamental right. However, it is expected that the annual recurring expenditure on this account is not likely to exceed rupees sixty crores so far as the Central Government is concerned. No non-recurring expenditure is likely to be involved. As regards the expenditure that would be incurred by the State Governments on this account, it will be met from the funds of the States concerned.

BILL NO. 10 OF 1972

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short
title,

1. This Act may be called the Constitution (Amendment) Act, 1972.

Amend-
ment of
Eighth
Schedule,

2. In the Eighth Schedule to the Constitution,—

(a) entries 9 to 15 shall be renumbered as entries 10 to 16 respectively, and

(b) before entry "10" as so renumbered, the entry "9. Nepali" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

In order that the linguistic minority of India having Nepali language as their mother tongue may feel a greater sense of equality within the framework of a truly federal Constitution, the Nepali language, which is a major language spoken in the Indian sub-continent having a long cultural heritage, should be included in the Eighth Schedule to the Constitution of India.

Hence this Bill.

RATTANLAL BRAHMAN.

NEW DELHI;
The 21st February, 1972.

S. L. SHAKDHER,
Secretary.

